

IN THE SENATE

SENATE BILL NO. 1093, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO A REQUIREMENT AS TO FENDER OR COVERS OVER ALL WHEELS ON MOTOR VEHICLES; AMENDING SECTION 49-949, IDAHO CODE, TO PROVIDE THAT EXCEPT FOR VEHICLES REQUIRED TO REPORT TO PORTS OF ENTRY ENFORCEMENT BY LAW ENFORCEMENT OFFICERS MAY BE ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN THE OPERATOR OF THE MOTOR VEHICLE HAS BEEN DETAINED FOR A SUSPECTED VIOLATION OF ANOTHER LAW, TO PROVIDE FINES AND TO PROVIDE THE EFFECT OF CONVICTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-949, Idaho Code, be, and the same is hereby amended to read as follows:

49-949. REQUIREMENT AS TO FENDER OR COVERS OVER ALL WHEELS ON MOTOR VEHICLES. (1) It shall be unlawful for any person to operate or move or any owner to permit to be operated or moved, any motor vehicle, truck, bus, semitrailer or trailer, upon any highway without having the vehicle equipped with fenders or covers which may include flaps or splash aprons, over and to the rear of wheels, as follows:

(a) On the rear wheels of every truck equipped with a body, bus, trailer or semitrailer the fenders or covers shall extend in full width from a point above and forward of the center of the tires over and to the rear of the wheels to a point that is not more than ten (10) inches above the surface of the highway when the vehicle is empty;

(b) Behind the rear wheels of every truck not equipped with a body the fenders or covers shall extend downward in full width from a point not lower than halfway between the center of the wheels and the top of the tires on the wheels to a point that is not more than ten (10) inches above the surface of the highway when the vehicle is empty;

(c) Behind all wheels of every motor vehicle other than trucks, buses, semitrailers, or trailers, the fenders or covers shall extend in full width from a point above and forward of the center of the tire over and to the rear of the wheel to a point that is not more than twenty (20) inches above the surface of the highway, unless the bumper is a factory built bumper fastened directly to the frame of the vehicle pursuant to factory installation requirements;

(d) Fenders or covers are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof that is titled as a later assembled vehicle or replica and is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained hard-surfaced roads.

(2) Fenders or covers, as used in subsection (1) of this section, shall be deemed to be of sufficient size and construction as to comply with those requirements if constructed as follows:

1 (a) When measured on the cross sections of the tread of the wheel or on
2 the combined cross sections of the treads of multiple wheels, the fender
3 or cover extends at least to each side of the width of the tire or of the
4 combined width of the multiple tires, as the case may be;

5 (b) The fender or cover is constructed as to be capable at all times of
6 arresting and deflecting dirt, mud, water, or other substance as may be
7 picked up and carried by wheels;

8 (c) For school buses if the body extension behind the rear wheels ex-
9 ceeds five (5) feet.

10 (3) Except for those vehicles required to report to ports of entry as
11 listed in section 40-511, Idaho Code, enforcement of this section by law en-
12 forcement officers may be accomplished only as a secondary action when the
13 operator of the motor vehicle has been detained for a suspected violation of
14 another law. A person issued a citation pursuant to this subsection shall
15 be subject to a fine of ten dollars (\$10.00). A conviction under this sub-
16 section shall not result in violation point counts as prescribed in section
17 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving traf-
18 fic violation for the purpose of establishing rates of motor vehicle insur-
19 ance charged by a casualty insurer.